71/1136

G. R. S. IX-5]

Previous references.

1895-6.

~~191~~ .

(LR)

Later references.

File No. 67—1895

Serial Nos. 1—9

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—9

Part B for February 1898

SUBJECT.

Appeal of Narasi devaraya re the levy of wet assessment on his survey no. Tamkur St

Communicated

Rec

Indexed

W D 88—GPE—50,000—21-7-16

(27)

1

L.P. 61 1897

1895-96

No. 2600

Name of Petitioner, Veerasekaran a Kuttiran & Veerammi Devanna wife of Gunaratna, Raja Simga

Village, Iranawatta Soranatota

Táluk, Tumeriere

District, Tumeriere

Date of Arzi, 23-1-96.

Date of Receipt, 27-1-96

Date of Disposal,

No. of Enclosure. one.

ABSTRACT.

Appealing against the order of the Deputy Commissioner Tumeriere dated regarding his refusal to the abolition of water-rate on Pelo Nos 49 & 50 of Wadamarjatta, before the revision of assessment.

The Petitioner states as follows That Gandapha the original Patadar of P. Nos 49 & 50 of Wadamarjatta applied for the water-rate on rice lands, and died before the cancellation last year; that after the Petr applied for the abolition of the water-rate

6/Feb 97

Petr under declaring to strike off a water rate imposed last year on the Pelo Petr appeals

Duly stamped

Submitted to the Govt Agent

4/2/97

Petr not present

Heard

19/2/97

Order

21-2-97

water on the ground that water-supply for his land was scanty;
that upon this he received an order from the Sanitary authorities
stating that since he had raised a hay crop and that the question
of water-rate would be once more enquired into; that according
to Petn paid Rs 41-2-0 towards water-rate for the last year in
addition to the day assessment; that since the land is a
small one it cannot irrigate the land in the rabbi at
even supposing it is paid three a year; that upon this
petitioning the Sanitary Officer to the above effect praying for the
abolition of water-rate, the matter was referred to the
District where it was stated that it could not be dealt
before the revision of assessment; and that this order
is unjust on the following grounds:—

(1) That the water-rate referred to was not levied during
the revision of assessment but was only levied last year,
and that in many similar cases in the City the Sanitary
it has been remitted.

(2) That the land when full cannot hold even so much
water as would be sufficient to irrigate the lands
behind it for 2½ months.

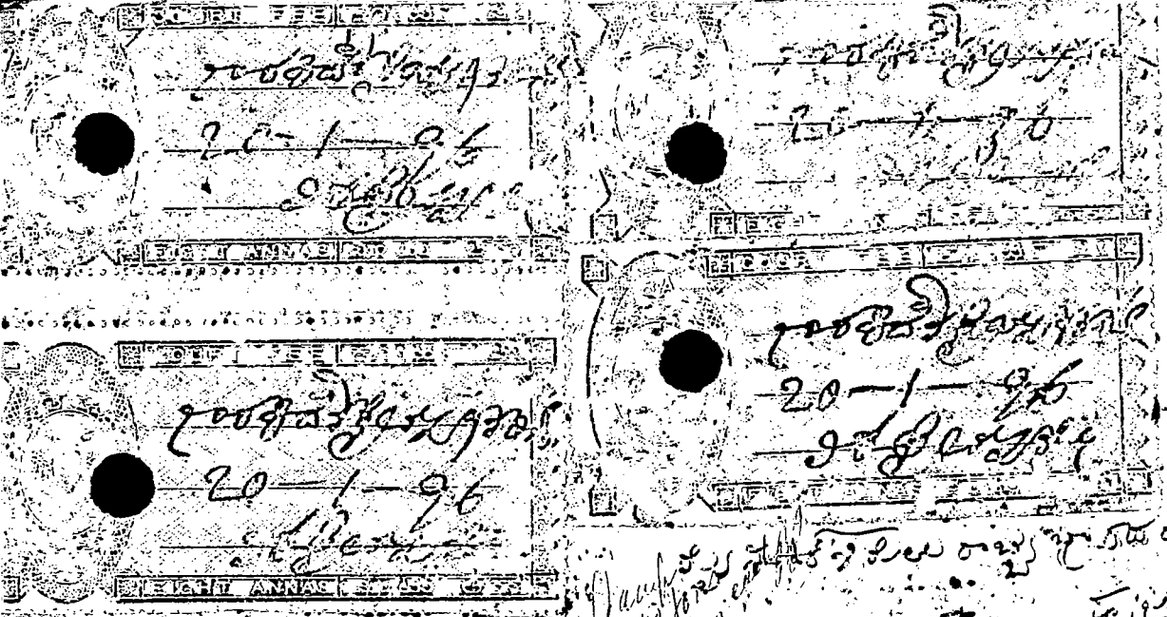
(3) That water cannot be easily taken to Petn's lands
unless it be brought a channel with a bridge across the
road which can only be constructed at a cost of Rs 200. that

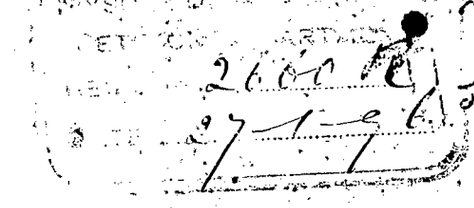
~~that Petn's land should be towards above effect~~

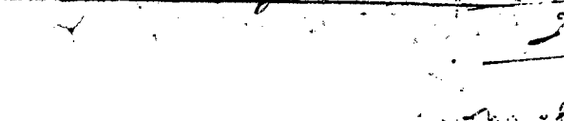
That owing to insufficient water Petn raised only a crop
on his land.

That according to Govt Prop issued in November 1890 the assessment
can be remitted when desired by the Collector.

Prays that on these grounds the water-rate may be
abolished







MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 2566 dated 2-3-1-76 received at the Dewan's Office from [illegible] is forwarded, together with its enclosure, to the Deputy Commissioner of [illegible] District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

for Chief Secretary.

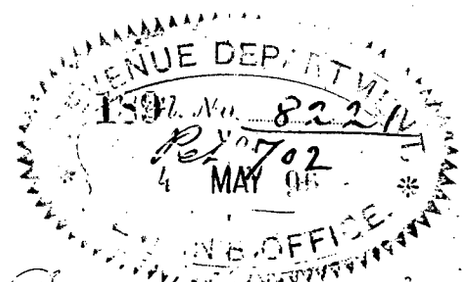
BANGALORE,

21-2-1896

M.G.C.P.B.—25-4-95—1,000

6

Gen. 31]



From
The Deputy Commissioner
Lunglei Lushai

To
The Secretary to the Govt
of Bengal
Genl and Ecc: Department

Dated 30th April 1896

Despatched 1st May 1896.

Received

General No. 85
No.

Enclosure No. 2 to 1 file

Sir Official memo no 1503
dated 21st January 1896

Relating to the Petition
of Nasiruddin Khan,
grandson of the late
Chiefs of Lungleh and
Sailongtlai in the Lunglei
Sub Jail

Submitted with reference to 2nd Councillor's order on petn no 2650 of 23-1-96 with translations of petr's statements in 25/1/96 and 2/2/96.

5/5/96 AS

Petr's grandfather was a Royal case. 7/5/96

J.R. 6/5/96

Under the Conditions of waste land rules for clearing and cultivating which Nasiruddin & Co have entered into, they are not allowed to sell the land cleared by them to any one without the permission of the Deputy Commissioner. It is therefore doubtful whether the Petitioner can legally sell the land in question to Messrs Bird & Co. Even if it is assumed that the Petitioner can sell the land, it is not clear how much of the purchase money should be refused. This is a question of some importance & the Deputy Commissioner's opinion should be valuable

WC
12.5.96.

5/5/96.

Sd/ Grant
4/5/96

Submitted
5/5/96

Tumkur District

No. 857

Rec: 2 Jan. file

Deputy Commissioner's Office

Tumkur 30 April 1896.

To,

The Secretary to the Government
of Mysore
General and Revenue Department

Sir,

With reference to your official memo No. Rev 1508 dated 21st February 1896 forwarding for report and submission of the various proceedings, petition from Naraindevarappa, guardian of the widow of Gundappa, Late Shanbogue of Sarvanahalli in the Turuvekere Sub Taluk, appealing against my order declining to remit the water rate fixed on his land at 2 annas 9 and 5 in Nadavanahalli, I have the honor to report as follows:-

2. Shanbogue Gundappa applied on the 2nd June 1893 for permission to convert the said lands into wet with the aid of the water of the Tavarekere tank and desired that a rate reasonable might be imposed. The report having

the.

the wet lands below the tank having no objection, the Deputy Commissioner on 31st December 1893 directed the imposition of a water rate at the rate of 3-12-0 per acre. The applicant protested against the imposition of such a high water rate but in June 1894 expressed his willingness to pay it from the year 1894-95. The order passed for 1893-94 was accordingly Cancelled and the applicant told to renew his application for water rate during 1894-95.

2. Gundappa accordingly renewed his application on 20th July 1894 while the necessary particulars were being collected for submission of the prescribed Statement to the Deputy Commissioner Gundappa died. On enquiry of his heirs the petitioner who is the brother of the widow of Gundappa and guardian to her minor Son Came forward and expressed a desire to pay water rate Vide his Statement dated 25-th October 1894. Upon this, the Deputy Commissioner imposed a water rate of Rupees 3-2-0 per acre

acre and on the 9th December 1894

Petitioner executed a Muchalika agreeing to pay the same. The water rate was accordingly levied for the year 1894-95-

4. On the 16th October 1895, Petitioner applied for remission of the water rate on the ground that the tank was incapable of irrigating Gundappa's lands Nos. 49 and 50. When the matter came before me, I declined to remit the water-rate which had been imposed at his own instance. Petitioners appeal is against this order.

5. Petitioner's allegation that the tank is not capable of irrigating the lands in question just now is true. They can be irrigated if an aqueduct be constructed. This the late Gundappa undertook to construct at his own cost

6. It seems to me inadvisable to remit the water rate once imposed at the caprice of the applicant. Before the rate is imposed all possible enquiry is made and a formal Muchalika taken from the applicant binding him

him to pay the same as a permanent charge. The term used by the Income Department in such cases is "D.F.P." and is indicative of the permanent nature of the tax subject of course to provisions of next general provisions of the Government, or of such Heads as Government shall from time to time determine under the provisions of Section 53 of the Imposed Land Revenue Code.

7 The grounds of the Case and the petition with its enclosure are herewith submitted.

I have the honor to be
Sir
Your most obedient Servant.

J. Buchanan Comptr
for Secy to Commissioner

W

In the records there are two statements furnishing the data for fixing the water development rate - In the first of them dis'd by the Dy Comr on 31-12-93 the rate of the adjg wet field is given as 3-12-0 & the Dy Comr has imposed that rate. But in the subsequent statement furnished in 94 the rate is reduced to 3-2-0 that being given as the rate of the adjg wet field. This discrepancy must be explained -

Govindappa has distinctly agreed to take the water at his own cost. No such engagement has been recorded & the present petr; but it is desirable to know the probable outlay for bunding &c required to be made by the Dy Comr & making the water supply sure - The Dy Comr will be asked to furnish information on this point - The minimum & the average wet rate under this tank will be reported

10/5/96

Dept accepts

11-5-96

Replied

Sun

13/5 -

Proceedings of the Govt. of Mysore

12 J

P.

Read:-

Petition registered no. 2660 dated 23rd January 1896 from Narasidevaraiya, guardian of Lakshmi devamma widow of Gundappa, Shanbog of Torave halli Tarrakere Sub-Taluk, appealing against the order of the Dy. Commr. Tumkur refusing to cancel the water-rate imposed on the petitioners lands Survey nos. 49 & 50 of Vadavanghatta.

2. Letter no. 857 dated 30th April 1896 from the Dy. Commissioner Tumkur reporting on the same.

Order thereon: No 10040 Pet 1978
Dy 13-5-96 Env: 1 Ver: file
18

In the record of this case there are two statements furnishing the data for fixing the water-rate or wet assessment. In the first of these, declined by the Deputy Commissioner

on 31" December 1893, the rate of the adjoining wet field is given as Rs 3-12-" and the Dy. Commissioner has imposed that rate - But in the subsequent statement furnished in 1894, the rate is reduced to Rs 3-2-" that being given as the rate of the adjoining wet field. This discrepancy must be explained.

2. Gundappa has distinctly agreed to take water at his own cost - No such engagement has been recorded of the present petitioner; but it is desirable to know the probable outlay for building the aqueduct referred to by the Dy. Commr and making the water supply sure. The Deputy Commissioner is requested to furnish information on this points and report the minimum and average

Average 14 wet days inter-
vene between
the last
and the next
inspection.

3. The returns received
with the Commissioner's
report are returned for
reference and record-
-ation.

C2. Draft. d
13/5/96

Secretary.

To
The Deputy Commr:-
Tumkur District
with records.

SMR

13/5/96 13/5

15 [illegible] 360/

Petn 5744/47

Gen. 31]

1896

From Deputy Commissioner.
Tiptur District.

To Secretary to the Govt.
of Mysore. General
and Rev: Departments

Dated 20: July 1896.

Despatched 21st do

Received

General No. 70
No.

Enclosure No. 1 Ver: file

Govt Order No 10040 / P. 1978 of 13: May 1896.

Furnishes certain information in connection with the appeal of Hon. Sidevariah, Guardian of Lachmidevamma widow of Gundappa, Shanbogue of Koravanahalli in the Turuvekere Sub Taluk.

Mutchalika
quoted in this case
do not state whether
imposition of the
latter rate has been
agreed to as a temporary
or permanent arrangement. This
stipulation ought to
be expressly specified
in every Mutchalika
taken under Sec 19
Mysore Revenue
Rules. In the present
case the interest
of a minor is
involved and the
value of the tank
does not seem to
have been utilized
in any year. Under
the circumstances the water
rate for one year
may be renewed
and the Petitioner's
request being
accepted for the
subsequent years
& the water rate
being remitted for
those years

Petn Manch
22/7/96

5/10/96

22/7

No 70 16 Tumkur District
Rev: Ver: file Deputy Commissioner's office
Tumkur 20th July 1896.

To The Secretary to the Government
of Mysore, General and Revenue
Departments.

Sir,

With reference to Government
order No. 10040 / Pet 1978 dated the 13th May 1896,
calling for certain information in
connection with the appeal of Narasé-
devariya guardian of Lingmedévama
widow of Gundappa Shanboque of
Soravana-halli in the Turavekéré
Sub Talúk against my order re-
fusing to cancel the water rate
imposed on the Petitioner's lands
Survey Nos: 49 and 50 of Vadavana-
ghatta, I have the honor to state
that the Deputy Amildar of Turave-
-kere reports that the figures "3-12-"
entered in the original statement
as the wet rate on the adjoining
field was a clerical error The

2

Rate of Rupees 3-2-0 given in the subsequent statement it in accordance with the Kharband and is therefore correct.

2. With regard to the cost of building the aqueduct in question, I beg to state that the aqueduct is not likely to cost more than 6 or 8 Rs. every year.

3. The maximum water rate under the Canal is Rupees 3-2-0 and the minimum rate is Rupees 2-3-0. The average rate is therefore Rupees 2-8-6.

4. The records received with the order under reply are herewith returned together with the Surveyors' Deputy Canal's report No. 228 dated the 25th June 896.

I have the honor to be
Sir
Your most obedient Servant

Dy. Commissioner
Dy. Canals

Read again

Petition No 2660 dated 27 January 1896, from Narsidevarie the widow & Guardian of the minor Son ~~and widow~~ of Gundappa Shanbog of Saravanhalli, Turuvekere Sub-Taluk, appealing against the order of the Dy Commr of Tumkur declining to remit the water rate imposed on ~~lands~~ Survey Nos 49 & 50 in the Village of Madavangatta in the Sub-Taluk.

Read

~~Letter from the Dy Comm~~ Turuvekere dated No 70 of 20th July 1896, from the Dy Comr, Tumkur, forwarding the Vernacular record ~~in the case~~ together with the reports called for in the ~~Govt Proceedings No 100 & 13th May 1896~~ case.

Correspondence ending with Govt

Rs 4932-39. P. 817 30.11.96.

Order thereon

On the 20th July 1894, Shanbog Gundappa above referred to, renewed his application he has once before made and withdrawn, viz, for permission to convert his dry lands, survey numbers 49 and 50 in the

...ille

...une 1893, Shanbog Gundappa ...ied for permission to convert ...y lands Sur Nos 49 & 50 of ...avangatta into wet with ...id of the water of the village tank. ...necessary enquiry the rate ...fied at Rs 3-12-0 per acre. ...ed the applicant stated he ...ld pay from the year 1894-5. ...Darkhast for 1893-4 was ...ordingly cancelled and ...was told to renew his appli...tion for 94-5. Gundappa ...newed his application but ...it could be disposed of

the Village of Madavarapalle into with the aid of water from the tank in the latter Village and for the imposition of a water-rate therefor. ~~But~~ before ~~this~~ could be disposed of, he died. The Petr who is the guardian ~~to the minor son of the~~ of the widow of the deceased and his minor son agreeing to pay the water-rate and executing a Muchelika to that effect, the Dy Commr imposed a water rate of Rs 3-2-0 per acre (on 9th Dec 1894 and it was duly paid in) ~~for cesses due~~ On the 6th October 1895 Petr applied for remission of the water rate ~~thereof~~, on the ground that the tank was incapable of irrigating the fields &c. in question. ~~Petr preferred~~ The Dy Commr passed an order declining to remit the rate imposed at Petrs own instance. The appeal is against this order. ~~Petr's Counsel~~

2. The Govt observe that

~~that~~ the Muchelika
Executed in the case
does not state whether
the imposition of the
water-rate has been
agreed to as a temporary
or permanent arrangement.
This stipulation ought
to be expressly specified
in any Muchelika
that may be taken
in cases falling under
Section XIX of the Land
Revenue Rules. In the
present case, the interest
of a minor is involved
and the water of the
tank does not seem
to have been (constantly) utilized
in any year.

Under the foregoing
circumstances ~~I order~~ the
first decree that the
water-rate for one year
be recovered, the
Petitioner's Application
being accepted for the
subsequent years and
the water rate remitted for those
2 years.

Sd
The Section
relied does not
require any
Muchelika to be taken
The enactment seems
intended to refer to
cases falling under
the Section
BKG

Sd
The Petitioner undertook
to withdraw the water
from the tank in 1894/5
- the very first year of
his wet-cultivation
experiment - & in Feby
1895 (vide Paper No 3 on
in the file of Vaz Records)
Said the water was
withdrawn - the
Crop was "Pilla Pattu"
& - if appears
may be amended. and
if the words "as undertaken"
be inserted in lieu the effect
will not be intended more
very clear BKR

21

years.

30-11-96

Print

Cr 28/11 Secretary.

28/11/96

To

Mr Sommer

Tanganyika

returning the Vernacular Record.

" Other Dispatches for Lugu & Sandawe.

3-12-96

No. 2660

Regd-95

Yours faithfully,

Secretary

30/11/96

23

General Serial No. 36.

Gl. No. 5197

189 7/98

From The Deputy Commr
Tumkur District.

To The Secretary to the
Govt of Mysore, Revenue
Revenue Dépt. —

Dated 20th January 1898

Despatched

Received

Enclosures No. 5 Receipts

697.

General No.

No. Sport Sec: No 433—39
dated 30th November 1897.

Subject. Enquiries for Concessions
& registration for
Rs 43-11-2 transferred
one Ramachandrappa,
guardian of the widow
& the minor son of the
deceased Gundappa
Chunchappa of Kamma
Unit Tumkur Sub
Taluk

H. Nicholls
Dy Comr
24.1.98

Read
24/1 Refd Patwah
24/1/98

Subordinate

26-1-98

To Rev Branch

24/1/98 DR 9-95

Read 3/1/98 T. C. Nicholls AC

Rec'd 31/2/98

Rec'd 31/2/98

Central Jail Press, Bangalore.—6-8-97.—10,002.

24

No 699
Rec: 15 a file

Deputy Commissioner's Office
Tumkur District
Tumkur 6th January 1898.

To

The Secretary to the Government of
Mysore, General and Revenue
Departments.

Sir,

Referring to Government Proceedings
No: 1932-39 dated the 30th November 1896
Petition 817
directing the levy of water-rate for one year
on Survey numbers 49 and 50 of Hedarangatta
in the Turuvekere Sub Taluk held by Gundappa
now represented by his widow and minor
Son, and the remission of the same for
subsequent years, I have the honor to state
that before the receipt of the Government
order above quoted, water-rate had been
collected for two years, viz 1894-95 and
1895-96 and to submit herewith for sanction
a refund bill for Rupees 43-11-2 collected
for the year 1895-96.

2. The vernacular records accompany.

I have the honor to be
Sir
Your most obedient Servant

Subbarayanaiya
for Deputy Commissioner

28 Proc. of the Govt. of Madras

S

Read:-

Letter No: 699 dated 6th January 1898 from the Dy: Commr: Tanjore forwarded, intimating for sanction a refund bill for Rs 43-11-2 on behalf of one Narasiswami guardian & uncle widow and the minor son of the deceased Grandeppa Bhaga bogue of Coravanda halli, Tirumakkudal Sub-Jaluka.

DR-67-95
SC 9

No 8006-7 & 28.2.98
7 & 788
28
Sept. P.

Order thereon.

It appears from the papers forwarded that water rate at Rs 43-11-2 per annum was received from Narasiswami during the years 1894-95 and 1895 on account of Survey Nos: 49 and 50 of Vadavannathalla in the Tirumakkudal Sub-Jaluka. The Govt. in G.O. No: 4922-9 dated 30 Nov: 1896 having decided, ~~on appeal~~, that water rate should be levied for only one year, the Deputy Commissioner proposes the refund of the amount received for the other year - The refund bill for Rs 43-11-2 is under the circumstances sanctioned and forwarded to the Comptr: for audit.

24/2/98 24/2/98

To The Dy: Commr: Tanjore with R. and Compt: with Sanct: bills -